

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5217 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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W.B.MECWAN & ORS.

Versus

OIL AND NATURAL GAS COMMISSION & ORS.  
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Appearance:

MR SHAILESH BRAHMBHATT for Petitioners  
MR RH MEHTA for Respondents No.1, 2, 3  
None present for Respondent No. 4 to 12  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/03/97

ORAL JUDGEMENT

1. The petitioners, Accounts Assistants Grade-I in the Oil and Natural Gas Commission, filed this Special Civil Application and have challenged therein the order dated 12th July, 1982, a seniority list of the Accounts Assistant Grade-I. The further prayers have been made for the directions to the respondents to grant the petitioners seniority, deemed date of promotion in the

cadre of Accountants, seniority, difference in salary and further promotions and all other consequential benefits which follow therefrom. It has further been prayed for directions to the respondents to treat the petitioners as promoted to the posts of Accounts Assistant Grade I with effect from the date on which they ought to have been promoted in view of the submissions made in this Special Civil Application and further promotion to the post of Accountant with effect from the date on which any of the respondents No.4 to 10 were first promoted to the post of Accountant with all other consequential benefits.

2. There is no dispute between the parties that the petitioners No.1 and 4 are working on different posts i.e. they are Ex-cadre. The petitioners No.2, 3 and 5 have retired from the services of the Commission with effect from 31st March, 1995, 31st March, 1995 and 31st January, 1996, respectively. It is also not in dispute that during the pendency of this Special Civil Application, the petitioners No.2, 3, 5 and 6 got further three promotions in the Commission. Similarly, the petitioners No.7 to 12 got further two promotions in the Commission.

3. The admitted position of the respondents is as under:

The respondents No.5 and 6 are Ex-cadre whereas the respondents No.7, 8 and 9 have retired from the services of the Commission. It is also not in dispute that after filing of this Special Civil Application, the respondents No.4 to 12 have also been further promoted to the next higher post.

4. The matter was adjourned from time to time to give the opportunity to the counsel for the petitioners to let this Court know what grievance of the petitioners now survive in this Special Civil Application. Despite of these adjournments, the counsel for the petitioners has not brought on record of this Special Civil Application, precisely what grievance of the petitioner now survives. Be that as it may. The matter was heard on merits.

5. To appreciate the controversy which has been raised by the petitioners in this Special Civil Application, I consider it to take out the facts of the case in brief.

6. The recruitment and the service conditions of the petitioners and the respondents were regulated at the relevant time under the Oil & Natural Gas Commission

(Recruitment & Promotion) Regulations, 1974 (hereinafter referred to as the Regulations, 1974). These regulations have been framed by the Commission in exercise of its power conferred by sec.32 of the Oil & Natural Gas Commission Act, 1959 with the previous approval of the Central Government.

7. Clause IV of the Regulations, 1974, provides that the categories of posts, scales of pay, the age limit and other qualifications for appointment to the post, the percentage reserved for promotion and for direct recruitment to the posts shall be as specified in the schedule appended to Regulations, 1974, subject to any relaxation from time to time by the Commission.

8. The posts of Accountant, Junior Accountant, Sub Head (Accounts), Accounts Assistant and Jr. Accounts Assistant have been included in the Department of Finance & Accounts of the Commission. Presently in this case, we are concerned with the post of Accounts Assistant, Sub Head (Accounts), Jr. Accountant and Accountant. The posts of Accountant as per the Regulations, 1974 are to be filled up 50% by promotion and 50% by direct recruitment. The posts of Jr. Accountant is provided to be filled up 100% by promotion from the Accounts Assistant on the criteria of seniority-cum-fitness. Sub Head (Accounts) is the post in the pay scale of Junior Accounts and 25% of total future vacancies occurring in the grade of Jr. Accountant effective from 25th May, 1972 appears to have been converted as Sub Head (Accounts). This post of Sub Head (Accounts) was to be filled up by promotion on the criteria of seniority-cum-fitness from the category of Accounts Assistant. The Accounts Assistant is the post which has to be filled up 100% by promotion from the category of Jr. Accounts Assistant and criteria was seniority-cum-fitness. In the Regulations, 1974, it is provided that the Sub Head (Accounts) will not be considered for further promotion as Accountant unless he/she qualifies the departmental examination for determining the suitability of Accounts Assistant for promotion to the grade of Junior Accountant. After a Sub Head (Accounts) qualifies in the departmental examination for promotion to the grade of Jr. Accountant, he/she will be designated as Jr. Accountant effective from the date following the last date of examination at which he/she qualifies and will be considered for promotion as Accountant along with other Jr. Accountants.

9. The Regulations, 1974, admittedly were repealed by the Commission by the Oil and Natural Gas Commission

(Recruitment & Promotion) Regulations, 1980 (hereinafter referred to as the Regulations, 1980). The nomenclature to the posts below the Jr. Accountant has been changed. The post of Sub Head (Accounts) has been deleted. So now the hierarchy up to the post of Jr. Accountant under the Regulations, 1980 is Accounts Assistant Gr.III, Accounts Assistant Gr.II and Accounts Assistant Gr.I. So the post of Accounts Assistant has been bifurcated in two grades i.e. Accounts Assistant Gr.I and Accounts Assistant Gr.II, and Jr. Accounts Assistant was designated as Accounts Assistant Gr.III. The promotion to the post of Accountant has been provided 50% from Jr. Accountant of the pay scale of 595-1140 and 50% from the pay scale of 530-1060. So 50% promotion is from the post of Jr. Accountant and 50% from the post of Accounts Assistant Gr.I. The post of Jr. Accountant is provided to be filled up 100% by promotion whereas both the lower posts were provided to be filled up 100% by direct recruitment.

10. The petitioners joined the services of the Commission between 1960 to 1972. It is not in dispute that the respondents No.4 to 12 were senior to the petitioners in the category of Accounts Assistant. It is also not in dispute that the respondents No.4 to 12 were promoted as Sub Head (Accounts) on the basis of their seniority and in accordance with 25% quota under the Regulations, 1974, between the years 1972 to 1978. There is also no dispute between the parties on the fact that all the petitioners had appeared in the departmental examination for promotion to the post of Jr. Accountant in the years between 1975 to 1978 and all of them passed the said test latest by 1978. The respondents No.4 to 12 had not passed the departmental examination for promotion to the post of Jr. Accountant.

11. The Commission in its 84th meeting held on August 24, 1978, has approved the draft scheme regarding promotion policy. It is an interim promotion policy which was introduced with a view to remove stagnation and satisfy the promotional aspirations of the employees of the Commission. By this interim promotion policy, the Commission decided to upgrade the existing posts to the extent of percentage provided therein to the higher grade and further provision has been made to promote the persons who are holding the existing posts to the higher posts if they fall within the percentage quota prescribed. This policy has been produced on the record of this case by the petitioners. The salient features of this promotion policy are as under:

(1) 20% of the filled in posts as on 1-3-1978 to be

upgraded as 'reserve' posts in the promotion channel scale.

- (2) The persons eligible for promotion to these 'reserve' posts would be those who have put in 15 years of service in their existing scale.
- (3) In case in a certain category, the number of persons who have put in more than 15 years of service is more than 20% of the filled in posts in that category, the number of 'reserve' posts would be increased to 33-1/3%.
- (4) In the event, in any category persons who have put in more than 15 years of service are less than 10% of the filled-in-posts, a minimum of 10% of the filled-in-posts would be available for such promotion. The period of service for consideration, however, should be in excess of 10 years.
- (5) For filling of the lot of 'reserve' posts now being created for the first time, job oriented tests will be held as against the usual tests where such tests are prescribed. These employees will then be moved against regular working posts in the same scale without further tests.
- (6) The filling in of regular sanctioned posts will continue irrespective of the filling in of the 'reserve' posts as per this scheme.

12. The petitioners filed a writ petition before this Court being Special Civil Application No.1495/79 challenging the upgradation likely to be made in accordance with the interim promotion policy. The said writ petition was withdrawn on 26th June, 1980. A copy of the order of withdrawal of this Special Civil Application has not been produced by the petitioners on the record of this case. The respondent-Commission has also not produced, on the record of this case, the copy of the order of this Court passed in that petition filed by the petitioners. The petitioners have stated in this Special Civil Application that they have withdrawn the earlier petition in view of the fact that a wireless message was received by the Regional Head Quarters of the Western Region from Central Office, Dehradun, to the effect that the persons who have passed regular departmental examination for promotion to the posts of Jr. Accountant will be promoted first to the post of Jr.

Accountant. The persons who have completed 12 years of service as Accounts Assistant as on 1-4-1980 will also be promoted to the post of Jr. Accountants. The persons who have passed the regular departmental examination will be given their promotion notionally with effect from 1-4-1980, but benefits of the promotion will be from the actual date of taking over.

13. The new regulations being Oil and Natural Gas Commission (Recruitment and Promotion) Regulations, 1980, came into force with effect from 24th April, 1980, and by these regulations, the earlier regulations stood repealed. Under the order dated 4th November, 1981, in continuation of the earlier order dated 25th April, 1980, it was clarified that for the purpose of considering the eligibility of an employee for promotion from one cadre to another, where the criteria is seniority-cum-fitness, reliance has necessarily to be placed on the seniority list. Promotion cannot be effected automatically on the basis of service rendered in a particular scale without referring to their seniority in the seniority list. In para No.2 of that order, it has been stated that the Sub Head (Accounts) on redesignation, have been brought in the seniority list of Accounts Assistant Gr.I with effect from 25-4-1980 and are en-block junior to the erstwhile Jr. Accountants. Their cases for promotion are required to be considered with reference to the seniority list of Accounts Assistant Gr. I with effect from 25th April, 1980. The petitioners were promoted to the post of Accounts Assistant Gr. I under the order dated 27th June, 1980 with effect from 1-4-1980. The provisional seniority list of the cadre of Accounts Assistant Gr. I was published under the order dated 12th July, 1980. In this seniority list, the respondents No.4 to 12 are shown above the petitioners. The seniority in the cadre of Accounts Assistant Gr. I was given with effect from 1-4-1980 to the petitioners, and to the respondents No.4 to 12 with effect from 25th April, 1979 i.e. the last date of the job oriented test at which they have qualified to be upgraded to the post of Jr. Accountants (Reserve). The petitioners never submitted their objection against this provisional seniority list.

14. The Deputy Director (Personnel & Administration) replied to the Deputy General Manager of the respondent-Commission in reply to the letter of the petitioner No.8 dated 21st July, 1982, that the seniority of the petitioner No.8 was correctly fixed in the seniority list dated 12th July, 1982. The provisional seniority list was not finalised, but taking it to be a case of rejection of objections of the petitioners from

the letter aforesaid they filed this Special Civil Application before this Court challenging the provisional seniority list. The petitioners have stated in this petition that the respondents No.4 to 10 have already been promoted superseding the petitioners to the post of Accountants. The date of promotion has not been given by the petitioners in this Special Civil Application.

15. The respondent-Commission has contested this Special Civil Application and filed an affidavit-in-reply to which the petitioners have filed rejoinder. The private respondents No.4 to 12 have not filed any reply to this Special Civil Application.

16. The counsel for the petitioners contended that the respondent-Commission has committed serious illegality in giving seniority to the petitioners below the respondents No.4 to 12 in the category of Accounts Assistant Gr.I. The interim promotion policy was in the nature of upgradation of the existing posts and the test taken for the purpose of giving promotion under the said policy cannot be equated with the level of departmental examination. So the counsel for the petitioners contended that on the basis of that test, the respondents could not have been given march over the petitioners in the matter of seniority. It has next been contended that the assignment of seniority to the respondents No.4 to 12 from the date following the last date of job oriented test in the provisional seniority list dated 12th July, 1982, the respondent-Commission has acted under the foot note of the schedule annexed to Regulations, 1974, which has wrongly been made applicable in this case. It has further been contended that the passing of the departmental examination for promotion was mandatory and the respondents No. 4 to 12 have not passed that test, and as such, they could not have been given the seniority above the petitioners merely by giving them the benefit of interim promotion policy. The counsel for the petitioners urged that otherwise also the respondents No.4 to 12 could not have been made senior to the petitioners as they have been given promotion in the category of Accounts Assistant Gr. I with effect from 1-4-1980 whereas the respondents No.4 to 12 were brought in the category of Accounts Assistant Gr. I w.e.f. 25-4-1980. Lastly, the counsel for the petitioners contended that the interim promotion policy insofar as it prescribed the job oriented test against the departmental examination for promotion and so far as it entitles the respondents No.4 to 12 to move to the post of Accounts Assistant Gr. I without passing the departmental examination is absolutely capricious, arbitrary and

violative of petitioners' fundamental rights under Article 14 and 16 of the Constitution. Carrying this contention further the counsel for the petitioners submitted that the Commission has acted highly arbitrary in applying the Regulations, 1974, in the case of respondents No.4 to 12 to give them the benefit of seniority.

17. On the other hand, the counsel for the respondent-Commission contended that this Special Civil application is wholly misconceived as the writ petition has been filed against the provisional seniority list. It has next been contended that the petitioners and the respondents have already been promoted and the petitioners have failed to give out how any of their grievances now survive against the provisional seniority list. It has next been contended that the petitioners have not challenged the promotions of the respondents No.4 to 12 on the post of Accountant and further promotions, and as such, the relief of the nature as prayed for, cannot be given. On merits, the counsel for the Commission contended that the interim promotion policy has been brought in, for removal of the stagnation as well as for giving promotion opportunities to the persons who are working for about more than 15 years in a category. This promotion policy was not only for the Finance & Accounts Department, but it was brought for all the Sections and Departments of the Commission. The petitioners being junior to the respondents No.4 to 12, they could not get the benefit of this policy and for which no grievance would have been made by them. The respondents No.4 to 12 are very senior to the petitioners in the cadre of Accounts Assistant i.e. now Accounts Assistant Gr. II and they have been given the promotion to the post of Sub Head (Accounts) carrying the pay scale of Jr. Accountant now Accounts Assistant Gr. I in the year 1973. The Commission has not committed any error in assigning seniority to these persons above the petitioners.

18. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties. It is not in dispute that at the relevant time i.e. earlier to the coming into force of the Regulations, 1980, the pay scale of the post of Jr. Accountant and that of Sub Head (Accounts) was 260-470. So the pay scale of both these posts were equal. The pay scale of the post of Accounts Assistant was of 168-365. It is also not in dispute that the petitioners were much junior to the respondents No.4 to 12 in the then cadre of Accounts Assistant. So the respondents No.4 to 12 have



come in the pay scale of Jr. Accountant now Accounts Assistant Gr. I in the year 1973 whereas the petitioners have been promoted in this scale under the order dated 27th June, 1980. The Regulations, 1974, makes a specific provision for promotion of Accounts Assistant to the post of Sub Head (Accounts) to the extent of 25%. The promotion to the post of Jr. Accountant has been provided under the Regulations, 1974, on the basis of seniority-cum-merit and the candidate has to pass the departmental promotion examination. In the Regulations, 1974, it was also provided that the Sub Head (Accounts) will not be considered for further promotion as Accountant unless he/she qualifies the departmental examination for determining the suitability of Accounts Assistant for promotion to the post of Jr. Accountant. After a Sub Head (Accounts) qualifies in the departmental examination for promotion to the cadre of Jr. Accountant he/she will be designated as Jr. Accountant effective from the date following the last date of the examination at which he/she qualifies and will be considered for promotion as Accountant along with the other Jr. Accountants. So the eligibility for promotion to the post of Jr. Accountant for Sub Head (Accounts) was passing of the departmental examination by them. Similarly they would have been designated as Jr. Accountant from the date following the last date of examination at which he/she qualifies.

19. Clause IV of the Regulations, 1974, provides that the categories of posts, scales of pay, the age limit and other qualifications for appointment to the post, the percentage reserved for promotion and for direct recruitment to the posts shall be as specified in the schedule appended to those Regulations subject to any relaxation from time to time by the Commission.

20. So the eligibility for promotion to the post of Jr. Accountant ( now Accounts Assistant Gr.I) should be as specified in the schedule. But clause IV of the Regulations, 1974, empowers the Commission to relax the eligibility or qualification prescribed for appointment to the post of Jr. Accountant now Accounts Assistant Gr.I. So it is in the domain of the Commission to make the necessary amendment by providing different criteria and eligibility for promotion other than provided under the Regulations, 1974. This power has not been disputed by the learned counsel for the petitioners, of the Commission to amend the Regulations, during the course of arguments. Under this interim promotion policy, the promotions have been provided to the post of Jr. Accountant by way of upgradation of the posts. The

filled in posts as on 1-3-1978 to the extent of 20% were to be upgraded as reserve posts in the promotion channel scale. This benefit of upgradation of filled in posts was not given without there being any other requirement to be undergone by the candidates. The interim promotion policy reveals that the filled in posts as on 1-3-1978 to be upgraded as 'reserve' posts in the promotion channel scale. So it is an upgradation of the existing posts in the promotion channel scale. The existing 20% of the filled in posts as on 1-3-1978 of Accounts Assistant to be upgraded as 'reserve' posts in the promotion channel scale i.e. to the posts of Jr. Accountant. The eligibility for the benefit of the interim promotion policy is that the candidate should have put in 15 years of service in their existing scale and they have to pass the job oriented test. This policy could have been framed by the Commission in exercise of its power as conferred in Clause IV of the Regulations, 1974, and as such, it will supersede the Regulations, 1974, to that extent, as provided contrary therein.

21. The respondents No.4 to 12 were already in the pay scale of Jr. Accountant in the designation of Sub Head (Accounts). So to designate them as Jr. Accountant only hurdle in their way was to pass the departmental examination under the Regulations, 1974. They were sufficiently senior persons and in case they would have been in the scale of the Accounts Assistant then under the interim promotion policy their post would have been upgraded to the post of Jr. Accountant and they would have been designated as such, and only hurdle in their way was to pass the job oriented test. The petitioners being junior to the respondents No.4 to 12 could not have been given the benefit of this interim promotion policy. It is not in dispute that the respondents No.4 to 12 have passed the job oriented test in April, 1979 which is now equivalent to the departmental promotion examination by legal fiction. They were already in the pay scale of Jr. Accountant since 1973 and after this interim promotion policy and falling within the percentage prescribed for the upgradation for the existing posts and they have also passed the job oriented test, they have been rightly given the seniority in the Jr. Accountant from 25th April, 1979. Much emphasis has been put by the counsel for the petitioners on the letter of the Joint Director (P & A) dated 4th November, 1981. In this letter it has been mentioned that the Sub Head (Accounts) on redesignation have been brought in the seniority list of Accounts Assistant Gr. I with effect from 25th April, 1980, but how this letter is of any help to the petitioners when the Commission has nowhere laid down

that this class of persons will get the seniority from the date other than the date of passing of the job oriented test.

22. The interim promotion policy provides for the upgradation of the existing filled in posts and rest of the provisions of the Regulations, 1974 stood unamended. In view of this fact for the class of the persons to which the respondents No.4 to 12 belonged where they were not required to be given any other benefit of upgradation of the posts as they were already in the pay scale of the post of Jr. Accountant and in their case only the hurdle of passing of the departmental examination was to be removed which has been removed under the aforesaid interim promotion policy, which has a statutory force. The petitioners cannot be allowed to take the benefit of annexure 'D' which cannot supersede the interim promotion policy read with Regulations, 1974. The petitioners were promoted on the basis of Jr. Accountant (Accounts Assistant Gr.I) under the order dated 27th June, 1980, and the promotion was given notionally from 1-4-1980, but the benefits of the promotion was ordered to be given only from the actual date of taking over. If we go strictly by that order then the petitioners will be deemed to have been promoted for all the purposes including the seniority from the date on which they joined the post of Accounts Assistant Gr.I after the order dated 27th June, 1980. The respondents No.4 to 12 were designated as Accounts Assistant Gr.I from 25th April, 1979, the date following the last date of examination under the order dated 14th August, 1980 of the Jr. Manager, Wester Region. This order has not been challenged by the petitioners. It is a case where the petitioners got the promotion much after the respondents No.4 to 12 because of their very low position in the seniority list of Accounts Assistant.

23. The matter may be viewed from another angle. In case the petitioners would have also been given the benefit of the promotion policy as that of respondents No.4 to 12, whether they could have claimed the seniority above them and the answer would be in the negative. It is a different matter that they have passed the departmental examination for promotion, but that alone will not make them entitled for promotion because the promotion depends on many factors and one of them is the seniority and the availability of the post. It is a fact that the petitioners have passed the departmental examination in the year 1978 and they could not get the promotion till June, 1980, whereas the respondents No.4 to 12 because of their seniority in the cadre, though

they have not passed the test, have been given the promotion in the pay scale of the post of Junior Accountants. Merely on the basis of passing of the departmental examination, how the petitioners can justify their claim for promotion above the respondents No.4 to 12 who have got the promotion under the interim promotion policy. The employer can change the service conditions and in case, by providing the job oriented test, the respondents No.4 to 12 have been redesignated on passing of that test as Jr. Accountants, I fail to see how any of the legal and fundamental rights of the petitioners have been infringed. The equity is also not in favour of the petitioners. The respondents No.4 to 12 are much senior to them in the category of Accounts Assistant Gr. I, they have been promoted in the pay scale of Jr. Accountant in the year 1973 about seven years earlier to them, and as such, in case they have been given the seniority above the petitioners, how any prejudice is likely to be caused to them. The respondents No.4 to 12 were already drawing much more salary than the petitioners as they were brought in the pay scale of Jr. Accountant in the year 1973.

24. The only question arises whether the job oriented test prescribed under the interim promotion policy is violative of Articles 14 and 16 of the Constitution or takes away any of the rights of the petitioners. As stated earlier, the service conditions can be changed and secondly after going through the reply to the writ petition and the annexure thereto which is a syllabus of the job oriented test etc., I am satisfied that this plea of the petitioners has no merits. Moreover, there cannot be any comparison also in the two tests for the reason that the interim promotion policy was available to the employees who have rendered 15 years service whereas the promotion could have been available though subject to the availability of the posts to a person who has not to his credit that much length of service. The petitioners could not have got the benefit of this interim promotion policy as they have to their credit less than 15 years service. Having considered this long experience of 15 years, the contention of the counsel for the petitioners that the job oriented test cannot be equated to the test of departmental examination for promotion does not stand to logic and reason.

25. Yet there is another angle from which this matter can be looked into. The Regulations, 1980, have come into force with effect from 24th April, 1980. Under the Regulations, 1980, no test is prescribed for promotion to the post of Jr. Accountant now Accounts Assistant Gr.I.

From 24th April, 1980, even in the absence of the interim promotion policy, the respondents No.4 to 12 would have come in the category of Accounts Assistant Gr.I automatically for all the purposes and their seniority would have been counted therein from the year 1973. Their services as Sub Head (Accounts) could have been counted as Accounts Assistant Gr.I and they would have deemed to be promoted in the year 1973. Even if the date of promotion of the petitioners is taken to be 1-4-1980, they could not have got the seniority. The respondents are correct to contend in the reply that only notional promotion has been given to the petitioners from 1-4-1980 otherwise the petitioners and their counterparts who have filed a civil suit in Dehradun Court would have been put to loss. Many of the persons would not have got the promotion because of the provision in the Regulations, 1980. So for their own benefits, the petitioners and other persons would have approached to the Commission for giving them the benefit from the date earlier to coming into force of Regulations, 1980. The petitioners after taking this benefit of promotion cannot be permitted to challenge the provisional seniority list. Earlier petition has been withdrawn by the petitioners, but the respondents have not accepted that they will be given the seniority above the persons who have been given the promotion under the interim promotion policy.

26. There is yet another reason for which no interference is called for in this case. Admittedly, all the petitioners and the respondents have been given promotion to next two or three higher posts. Many of the petitioners and respondents have also retired. The seniority list challenged in this Special Civil Application has attained the finality and on the basis of which the promotions have been made to the next next higher posts. In case now at this stage the contentions of the petitioners is accepted then what this Court will do, will unsettle the settled position. More so, when it is not given out by the petitioners that they will get any benefit other than what they have already got.

27. Before parting with this judgment, I consider it necessary to observe that the petitioners have deliberately not brought to the notice of this Court what grievance actually now survives. Non-disclosing of the fact, goes against them and the Court can draw adverse inference that no grievances whatsoever now survive in this Special Civil Application.

28. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

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